

**Lafayette County Planning & Zoning Committee Meeting
and Public Hearing for:
Rezone Application of Patrick Boyle**

Ag Center Conference Room – County Courthouse

**Wednesday, August 8, 2012
6:30 PM**

Call to Order:

Chairman Wiegel called the meeting to order at 6:30 p.m.

Committee Members Present:

Jack Wiegel, Chairman
John Bartels
David Halloran
Gerald Heimann
Dwayne Larson

Others present:

Troy Maggied, Planning & Zoning Department Head
Steve Elmer, Corporation Council
Patrick Boyle, Rezoning Applicant

State the Purpose of the Public Hearing:

Maggied stated that the meeting was held to hear public comment on the application of Patrick Boyle to rezone 2.24 acres of his land in Fayette Township from A-1 Exclusive Agriculture to R-1 Single-Family Residential for a new home.

Certify that Open Meeting and Public Notice Requirements Have Been Met:

Maggied confirmed that all open meeting requirements had been met, with the meetings posted in the Lafayette County Courthouse, the Darlington Municipal Building, and the United States Post Office – Darlington Branch. Statements by Maggied of notices and Class 2 publications have been completed for the rezone hearing.

Describe Committee Authority and Rules of Hearing:

Maggied read section 6-7-1.4 of the Lafayette County Zoning Ordinance detailing the authority of the Planning and Zoning Committee.

Read the Application:

Maggied read the application of Patrick Boyle for the rezone of 2.24 acres of his land in Fayette Township to allow for a new residence.

Call for the Applicant's Presentation:

Patrick Boyle stated that he has purchased land from his family on which to construct a new home to serve as his primary residence.

Call for Staff Report:

Maggied stated that the Boyle rezone would impact only 2.24 acres of productive farmland in Fayette Township. Maggied stated that he did have concerns regarding the placement of the proposed driveway as it affords very limited visibility to the west along Parkinson Road, however the county has no

jurisdiction to alter or prohibit the rezone on these grounds. Halloran noted that the Fayette Township Meeting record approved only a 1-acre rezone. Maggied stated he would confirm with the Town Clerk that the rezone of 2.24 acres is acceptable. (Subsequent to the meeting, Jean Van Matre confirmed that the Township approves of the 2.24 acre rezone). Maggied also stated that the rezone complies with the goals and future land use plan as found in the Comprehensive Plans of Fayette Township and Lafayette County. Maggied recommended approval of the rezone application based on these findings of fact.

Statements in Support:

None offered.

Statements in Opposition or Rebuttal:

None offered.

Town Board Recommendations:

Maggied stated that he had received meeting minutes from the Town of Fayette's June meeting approving the rezone.

Statements for Information (Committee Members and Staff):

None offered.

Last Call for Testimony:

None offered.

Adjourn the Public Hearing:

A motion was made by Larson and seconded by Bartels to adjourn the meeting. Motion carried.

**Lafayette County Planning & Zoning Committee Meeting
Meeting Minutes**

Ag Center Conference Room – County Courthouse Building

**Wednesday, August 8, 2012
6:45 P.M.**

Call to Order:

Chairman Wiegel called the meeting to order at 6:45 p.m.

Committee Members Present:

Jack Wiegel, Chairman
John Bartels
David Halloran
Gerald Heimann
Dwayne Larson

Others present:

Troy Maggied, Planning & Zoning Department Head
Steve Elmer, Corporation Council
Patrick Boyle, Rezoning Applicant

Proof of Proper Posting of Agenda:

Maggied confirmed that the meeting agenda was posted in the Courthouse, the Municipal Building and the United States Post Office – Darlington Branch.

Action on Agenda:

A motion was made Halloran and seconded by Heimann to approve the agenda as posted. Motion carried.

Approval of Previous Meeting Minutes (6/19/12):

A motion was made by Larson and seconded by Bartels to approve the previous minutes. Motion carried.

Limited Time for Public Comment:

No further public comment was made.

Review Standards for Rezoning Applications:

Maggied read section 6-1-3.4-A1.6 of the Lafayette County Ordinance prescribing the “Standards for Rezoning.”

Discussion and Action on Patrick Boyle Rezone Application:

A motion was made by Larson and seconded by Heimann to approve the application. Motion passed.

Discussion and Possible Action on 2013 Planning & Zoning Budget:

- Discussion and Possible Action on 2013 Fees – Maggied stated that he had been recording expenses accrued for each service provided by the P&Z Department in order to ensure that the fees covered the counties expenses. The changes proposed are as follows:
 - Zoning permits – Maggied proposed basing zoning permit fees on the square-footage of the structure’s footprint, with \$0.15 per s.f. for new residential construction, additions, and commercial / industrial / manufacturing buildings and \$0.08 per s.f. for non-residential structures such as sheds and stand-alone garages. The current fee schedule of \$100 per floor for residential and \$3 / \$1,000 of value for residential additions and non-residential structures don’t accurately reflect the work involved in issuing zoning permits. Maggied explained that the larger the footprint of the structure, the more review is involved since the structure runs the risk of abutting a floodplain, navigable river, or other barrier on the land. The \$0.15 cost for residential or commercial structures reflects the additional labor required to confirm the structure’s septic system meets any requirements of the new building or addition.
 - Rezoning and Special Exception Permits – No proposed changes to the \$350 administrative fees are proposed for Rezoning or Special Exception permits. Maggied stated that these fees cover expenses incurred by the county.
 - Septic Permit Fees – Maggied stated that he has tracked hours, mileage, and postage for permitting and determined these fees need to increase to accurately reflect the counties expenses for septic permitting and inspecting.
 - A new fee of \$50 will apply to all soils test to cover review expenses. The state plumbing code requires all soils tests to be reviewed by the county within 6-months after they are performed. This has not occurred in the past.
 - Fees for conventional systems need to increase from \$325 to \$375 to include the \$50 additional fee associated with the soils test.
 - Fees for Mound and At-grade systems need to increase from \$325 to \$425. An increase of \$50 is to account for the dual mobilization required by these systems, one to inspect the site after it is tilled and again to inspect the tank and drain field. The additional \$50 is to cover the cost of the soils test review.
 - No proposed changes to the \$200 fee for holding tank permits.

- Fees for privies need to increase from \$50. Fees for in-ground dirt privies will increase to \$175 to cover the required soils test review and inspection. Fees for concrete vault privies need to increase to \$125 to cover inspection fees.
- Septic Pumping Maintenance Program – No fees are proposed for this service. Maggied stated that Lafayette County is one of the few counties to not charge for this program. He wants to avoid charging for this program in order to incentivize residents to pump and avoid any enforcement or collection action. Maggied stated that projected costs for this program in 2012 will exceed \$3,000, however since this is a mandatory program for all county residents the “user-pays” system doesn’t apply. All residents are required to participate, so the argument can be made that it can be paid with general fund revenue.
- Wisconsin Fund Administration – No proposed increase to the \$50 administrative fee.
- Rural Fire Sign – An increase from \$50 to \$65 is proposed for this service in order to cover the cost of mileage. Maggied stated that the county is now taking a loss for each sign ordered and installed.
- Floodplain and Shoreland Management – No fee is proposed for this service. Maggied stated that enforcement of these mandatory programs have cost the county approximately \$2,000 this year to date.
- Non-metallic Mining regulation – These fees vary by the size of the mine and no fee increase is proposed. Maggied stated that this program is required by the state to break-even, and therefore will have no impact on the county’s budget.
- Manure Storage Permits – No proposed increase to the \$500 permit fee. Maggied proposed transferring \$300 of each permit fee to Land Conservation to cover their expenses associated with this program.
- Subdivision Review Fee – Maggied proposed decreasing this fee from \$200 per lot to \$50 per lot. Maggied stated that the fee of \$200 per lot is extravagant, and could act as an additional disincentive to developers in a hard economy.

A motion was made by Heimann and seconded by Larson to approve this revised fee schedule. Motion carried.

- Discussion and Possible Action on 2013 Budget – Maggied stated that the P&Z budget has 89% fixed expenses and 100% variable revenue. This makes any reduction in the expenditures difficult from year to year, while revenues have varied significantly due to economic swings in the building climate within the county. Maggied stated that, historically, the county has averaged 58% of its expenses recovered through fees, and that if his revenue projections are accurate, 2013 would see 57% of its expenses recovered through fees. The budget summary is as follows:
 - Expenditures – Maggied reported projected 2013 expenditures of \$114,842. Fixed assets account for \$250, which would cover a new digital camera and a 1-Terrabyte external hard drive. The digital camera would be used to document inspections. Maggied stated that he is currently using his personal camera, but would like to have one that belongs to the county. The external hard drive would allow the county to make use of its digital flood maps, which currently are useless due to their file size exceeding the capacity of the county servers or computers.
 - Revenue – Maggied reported projected 2013 revenue of \$65,022. This figure was derived from an analysis of the last 5-years permit averages, then applying the revised fee schedule to these permits. Maggied stated that his estimates were conservative, and therefore that the revenue could end up being more than predicted. The Committee agreed that a conservative approach was beneficial for budgeting purposes.
 - Summary – Maggied stated that the proposed 2013 budget reflects a 4.5% increase in funds from the General Fund over 2012. This can be reduced to 0.32% by eliminating the \$2,000 line item for legal services that is typically paid for by the county Clerk’s office. The Committee agreed that this item can be adjusted at the Finance Committee

review meeting in September. Maggied stated that his future plans are to work towards increased efficiency by incorporating more electronic processing of permits, posting all applications, fee schedules, and ordinances on-line. These measures should reduce the labor expenditure per service and allow for more time spent on other county planning & zoning matters, such as sourcing grants for GIS upgrades and septic improvements.

A motion was made by Larson and seconded by Bartels to approve the 2013 Planning & Zoning Budget, including the fixed asset acquisition. Motion carried.

Discussion and Possible Action on Pecatonica River Enhancement Grant Program Resolution:

Maggied provided the Committee with a Resolution that would reauthorize a grant program to various sportsman's groups in the county to work on habitat improvements along the Pecatonica River. The county has participated in this program since 1996, and the DNR requires that the county pass a resolution every two years to reauthorize the program. Maggied stated that the program also removes debris from the river to maintain navigation and reduce blockages that can increase the potential for overland flooding. The fiscal cost to the county in 2012 was \$1,822, and the 2013 cost would remain at this rate. The DNR provides a matching grant.

A motion was made by Heimann and seconded by Bartels to recommend the resolution to the County Board for adoption. Motion passed.

Discussion and Possible Action on Septic Maintenance Program:

Maggied stated that the due date for the 2012 Septic Maintenance Reports is August 31st, and that to date he has received approximately 40% of those who received notices. He stated that his plan is to send a second letter in early September with a due date of September 30th. This letter will offer the option to (1) pump the system and return the report, (2) inform the P&Z office that the system has been pumped and the report is forthcoming, or (3) inform the P&Z office that their records need updating due to some inaccuracy.

Maggied stated that after the 30th, action will need to be taken to bring those who haven't pumped into compliance.

Update on Zoning Projects:

Schedule of Adoption of Exclusive Agriculture Zoning Ordinance

- Maggied stated that the second reading and subsequent adoption of the update to the Exclusive Agriculture portion of the county's Farmland Preservation Zoning Ordinance would occur at the county board meeting on August 21st. Following adoption, the ordinance will be in effect once it has been published in the Republican Journal. Elmer stated that the County Clerk will place this Class I notice and send official notices to all Township Clerks as well. Maggied said he expects the updated Ordinance to be in effect prior to the end of the month.

Discussion on Shoreland Zoning Violations:

- Wayne Township – Pat Place
 - Maggied provided the committee with a letter (attached) he had sent to Pat Place stating that the shoreland locations where violations had previously occurred were now in compliance with the ordinance. Maggied stated that this issue is successfully closed.
- Darlington Township – Riley Brothers
 - Maggied stated that on July 3rd he visited the Riley property on Slough Lane to inspect the tree clearing along the Pecatonica River and provided the Committee with a letter (attached) he had sent to Jon Riley following that meeting. Riley stated that they had cleared large amounts of box elder trees to prevent damage to farm equipment and farmers from low-hanging branches. Riley had stated that they plan to reseed 10 feet in

from the shoreline once the corn has been harvested. Maggied stated that during his visit he had documented that the corn planting had been held back between 15 and 20 feet from the shore. Maggied stated that this area, once revegetated, would comply with the clear-cutting provision of the county's Shoreland Zoning Ordinance and stated this issue is now closed.

Discussion and Possible Action on violations of Floodplain Zoning:

- Willow Springs Township – Mike Reichling
 - Maggied provided the committee with a letter (attached) he had sent to Mike Reichling regarding his mobile home along Otter Creek. The resolution came when Reichling offered to remove the trailer skirting and deck from the side of the mobile home and committed to never installing a well, septic system, or a permanent power connection to the structure. In this condition, Reichling will be able to pull into the location and remove the mobile home should there be risk of a flood, thereby eliminating the potential risk of damage that would have otherwise been caused by the mobile home. Maggied stated that this issue is closed and will remain so unless Reichling deviates from the documented agreement.
- Darlington Township – Riley Brothers
 - Maggied on his visit to the Riley property on July 3rd he had inspected the cabin-like structure in the floodplain. The location of the cabin is within the Floodway, that being the portion of the Floodplain where the water current has measurable velocity. Per FEMA's Floodplain study, the velocity in this area is 2.6 feet per second and the regulatory flood elevation 834.20 feet. Maggied showed the committee pictures of the structure and stated that it was of very solid construction.

Maggied stated that his concern was two-fold: (1) No Certificate of Compliance was ever granted for this structure, as required by section 6-3-7.1 of the county's Floodplain Ordinance, and which requires the structure to be surveyed to confirm that the bottom-most joist of the building is above the 100-year flood elevation; and (2) that should the structure be dislodged and float downstream it could create a jam in a bridge or at one of the several sharp turns in the river and cause overland flooding or damage to bridges or roads. Various images of flood damage caused by floating debris were presented to the Committee (attached).

Maggied stated that the county should either require the Rileys to hire a certified survey to confirm that the bottom of the structure is out of the floodplain, or order the structure removed due to the lack of a Certificate of Compliance. If the survey is performed and it confirms that the structure is elevated above the 100-year flood, and if the electrical junction box is also elevated to the same elevation, Maggied stated that the structure may be able to remain. The final conditions would be that there is never a septic system or well installed on the property.

Elmer stated that there was a violation in that no Certificate of Compliance was issued. He stated that he wants to be on solid footing in the event that the county would need to order removal of the cabin. He stated that Maggied could write a letter asking the Riley's to get a survey, but the county could not take enforcement action if they didn't do this. Any action would need to be on grounds that the violation was due to not having acquired a Certificate of Compliance as required by the Floodplain Ordinance

Elmer suggested that while Riley's are getting a certified survey, Maggied could get an approximate elevation with the county's GPS unit. Maggied agreed that this was a good

idea, but that the county's unit can deviate by several feet in either direction and would therefore not be an method of acquiring a reliable elevation of the structure. Elmer stated that it would at least provide some reference should any enforcement be required in the future.

Maggied stated that he would send Jon Riley a letter requesting a survey of the structure, and would also take the county's GPS unit to acquire an approximate elevation of the lowest joist of the structure. The committee agreed with this approach.

Discussion on role of Trail Coordinator:

Maggied stated that Jack Sauer had asked if he would be interested in taking over the position of Trail Coordinator for the ATV Trail. Maggied said he was interested, but was concerned that he would sacrifice his work in Planning and Zoning. He wanted to inform the Committee of this possibility, but said he would rather consider the position at some later date when he has had more time to become accustomed to the Planning and Zoning workload.

Approval of Vouchers:

A motion was made by Larson and seconded by Heimann to approve payment of the vouchers. Motion carried.

Next Meeting Date:

The next meeting will be Wednesday September 12, 2012 at 6:30 p.m. in the Ag Center Conference Room.

Adjourn:

A motion was made by Larson and seconded by Bartels to adjourn the meeting. Motion carried.

Recorded By:

Troy Maggied
P&Z Department Head